

37 Am. Jur. 2d Fraud and Deceit § 161

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Fraud and Deceit

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IV. False Representations

G. Representations and Statements as to Particular Matters

2. Title, Location, Quantity, and Quality of Property

c. Quantity; Acreage

§ 161. Generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Fraud](#) , 27, 28

A.L.R. Library

[Tort liability for damages for misrepresentations as to area of real property sold or exchanged, 54 A.L.R.2d 660](#)

Forms

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit § 98](#) (Complaint, petition, or declaration—For damages—Delivery of lesser quantity than agreed)

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit §§ 161, 162](#) (Complaint, petition, or declaration—For damages—Misrepresentation as to acreage and boundaries of real property)

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit § 164](#) (Complaint, petition, or declaration—For damages—Misrepresentation as to location, extent, and value of timber on land sold)

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit § 165](#) (Complaint, petition, or declaration—Misrepresentations as amount of land in tract and flow of water on tract)

Generally, where one dealing commercially with property either overestimates or underestimates the quantity of the subject matter of the transaction and is in a position to know or form a reasonably accurate estimate thereof, fraud may be predicated upon a false representation as to quantity resulting from such estimate if the representee is not in as favorable a position as the representor and relies upon such estimate.¹ Hence, false representations as to the quantity of goods,² the area or acreage of land or buildings,³ or the quantity of timber trees growing on land⁴ may be made the basis of a charge of fraud.

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Footnotes

- 1 [Stewart v. Wyoming Cattle-Ranche Co.](#), 128 U.S. 383, 9 S. Ct. 101, 32 L. Ed. 439 (1888); [Lanning v. Sprague](#), 71 Idaho 138, 227 P.2d 347 (1951); [Marshall v. Keaveny](#), 38 N.C. App. 644, 248 S.E.2d 750 (1978); [Heise v. Pilot Rock Lumber Co.](#), 222 Or. 78, 352 P.2d 1072 (1960).
- 2 [Lanning v. Sprague](#), 71 Idaho 138, 227 P.2d 347 (1951).
- 3 [§ 162](#).
- 4 [Heise v. Pilot Rock Lumber Co.](#), 222 Or. 78, 352 P.2d 1072 (1960).

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